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“MAGNA LATROCINIA.”—THE STATE AS IT
OUGHT TO BE, AND AS IT IS.

L. S. WOOLF.

A BOOK has to reach a considerable pitch of excellence before one can say one is disappointed in it: for the number of books are as few as the number of people who raise one's expectations on first occasion of meeting with them. It is a high compliment therefore to Mr. C. Delisle Burns that he leaves us on the last page of his book, the *Morality of Nations*, with a distinct feeling of disappointment. He approaches the science of politics with so fresh and individual an outlook, with such determination to break through the thick and ancient cobwebs which obscure the science, that one cannot but regret that he has not worked out his ideas a little bit further and produced a work which would have probably gained in substance what it lost in readableness. Nevertheless his book is of very great value and affords far safer and more valuable groundwork for the necessary revision of our effete political theory than for instance Mr. Bosanquet's philosophical *Theory of the State*.

Political science, certainly since Hobbes, has suffered because distinguished philosophers neglect to avoid a mistake peculiarly noticeable in small children. They fail to distinguish what has existed from what exists, and both from what they would like to exist. The first duty of a writer upon the State is to determine what State he is talking about, the State as it existed in the time of Aristotle, the State as it exists to-day, or the State which might exist if we could “shatter it to bits and then remould it nearer to our heart's desire.” Theorists whose tastes and philosophies lead them to desire that the State should embody the general will end by arguing that the existing despotic and oligarchic States of Europe actually do embody the general will. The Utilitarian who yearns for

“the greatest happiness of the greatest number,” saves himself from suicidal pessimism by finding his desires actually consummated in existing organisms which have proved the most effective instruments for sacrificing the happiness of a million for the pleasure of ten. The German who desires to see in the State the spirit of God visibly moving upon the waters of the phenomenal world, gravely assures us that the spirit is now operating through a German Emperor and a succession of Imperial Chancellors.

These are examples of confusing what might be with what is: but the confusion is considerably more confounded by the same theorists refusing to realise that what was no longer is. As Mr. Burns points out, the old answers to the question “What is a State?” are quite inadequate to explain the phenomena of to-day, because the European State of the twentieth century is a completely different thing from the Greek, the mediæval, the Renaissance, or even the nineteenth century State. It is worth while considering this question with some care, because unless one understands exactly what it is that one is talking or thinking about, theory and practice alike go hopelessly astray. The State, whatever else it may be, certainly is and always has been an organisation, and a political organisation, of human beings. (Mr. Burns calls it “the sovereign organisation for the attainment of political common good,” but I am not for the moment concerned with the full and accurate definition of “a State,” and I shall have something to say later about the qualities indicated in the words “sovereign” and “for the attainment of political common good.”) Now as the motives, desires, ideals, beliefs of society change from century to century, so do human organisations, through which those desires, ideals, etc., act, change their form. For instance in the society of which Euripides, Agathon, Aristophanes, and Socrates were members, literature, art, and music were in men’s beliefs a far more important part of politics than sewers and drainage. In the communal political mind of the twentieth century drains have taken the place of

tragedy, and music has yielded to sewers. The Greek in fact considered that music was a part of politics, and the Greek State was actually an organisation for supplying the musical needs of the Greeks, and Aristotle on "politics" discusses, as Mr. Burns remarks, flute-playing. But no member of Parliament to-day believes that the State is an organisation for supplying the musical needs of Englishmen. It is true that he would certainly hold that the children of the working-classes should be compelled to sing "Rule Britannia" and other patriotic songs several times a week in the State schools, but this example itself shows admirably the difference between the Greek State and the Greek's conception of it from our own. When Plato talks of the State teaching music, he is thinking of the music as music and the State as an organisation for supplying musical education and needs: but the M. P. would think it ridiculous for the State to teach a factory girl to play the piano, and his only object is to instil patriotism into the mind of the worker, *i.e.* an implicit belief that Britain does and must rule the waves.

The function of the Athenian State was therefore not only conceived to be different from what we in twentieth century England conceive to be the function of our State, it actually was different. As regards music the Athenian organisation included among its functions those which we entrust not to the State, but to other organisations like the Church of England, or academies of music, or which we leave to private persons who sell music or their services as musicians to the public. But this is only one example of the change in function of this political organisation. The State, as an organisation, has both lost and gained a large number of different functions even since Hobbes, and solemnly to discuss whether the functions of that primitive leviathan are the same as those of the German State of the Great War is no more sensible than would be a discussion of whether the functions of the chimpanzee are the same as those of a cabinet minister. In the eighteenth century it would have been absurd to define the

State as an organisation of which one of the most important functions was economic, *i.e.*, to supply the community with certain commodities and services—but the definition is not absurd when applied to many modern States.

The question “What is a State” must therefore be carefully distinguished from both the questions “What was a State?” and “What ought a State to be?” I propose, making considerable use of Mr. Burns’s admirable book, briefly to consider this question together with some of the consequences which the answer implies. Everyone would at least agree that the State as it exists to-day in the greater part of Europe and America is a highly complex political organisation performing a large number of functions. As an organisation it is only one of many organisations, some political, some social, some religious, some economic, etc. Among political organisations it may be distinguished, as it is in Mr. Burns’s definition, by the term “sovereign” or “highest,” but it should be observed that the term is defined as meaning that the State is “only highest of all institutions (of the same group) which are of the same political order.” It does not follow that it is sovereign, or at least need be or should be sovereign, over institutions which exist for other purposes. And it is of the utmost importance to insist upon the fact that the modern State is only one among a great number of political and other organisations. In this it differs fundamentally from the form of State which was moribund in 1790 and was dead and buried before 1850. The outstanding feature of life in the last hundred years has been its sudden growth of complexity and elaboration. To meet this need and desire for complexity a vast number of different organisations have come into existence, for organisations are not the perverse invention of socialists and other cranks, but are the spontaneous creation of the “average man” to meet his desire of living and dying socially in a particular fashion. Before the nineteenth century the great majority of people, still living the simplest of simple lives, never felt the need of more than one or two organisations. The ordinary

Athenian never came in contact with any organisation other than the State, and the ordinary Englishman of Hobbes's time lived and died solely as a citizen of the State and a son of the Church. To-day few people could tell you offhand the number of organisations of which they are members. The Church, the Political Party, the Trade Union, the Federation, the Syndicate, the Profession, the Joint Stock Company, the Incorporated Society, the Trust, the Learned Society, the International Society, the Club, etc., all dispute with the State the task of organising the activities of the citizen.

The State then is an organisation performing many different functions some of which are the same but others not the same as those performed by the organisations called States in 400 B.C. and other periods of the world's history. And the most important question which you can ask about an organisation is how efficiently or inefficiently does it perform its functions. The curious thing is that the question is continually being asked about other organisations, but very rarely about the State. Everyone realises that the main question concerning a Church is how it performs the function of providing for the religious needs of its members. The first thing we ask about a Trade Union is: "Does it efficiently perform the function of maintaining or raising the standard of the worker's conditions of work?" But it is exceedingly rare to find anyone attempting to judge the State *qua* State, simply from the point of view of the efficiency with which it performs the functions which it actually is performing. And yet, as we can see from Mr. Burns's definition, the only way in which you can distinguish one organisation from another, or in other words define it, is by defining the functions which it performs.

Political science must ask at least three questions and keep them distinct: "What are the functions which a State performs and which distinguish it from other organisations?" "How efficiently does it perform them?" "What ought the functions of a State to be?" It will be observed

that the first and third questions are entirely distinct, yet they are continually being confused by political theorists. They are confused for example in Mr. Burns's definition. Mr. Burns asks the question, "What is a State?" and he answers "an organisation for the attainment of political common good." But if that means "an organisation whose function is the attainment of the common good," one of two things clearly follow: either no State exists at the present moment, or the State as an organisation performs its function so inefficiently that the sooner it is universally blotted off the face of the earth, the better. Every existing State actually performs as its main function the attainment of the common good of a tiny class at the expense of a very large class. The main function of the State domestically is to maintain the status *quo ante*—you may call it "law and order," if you like—which means that a small minority of infants shall be born with a certainty of wealth, leisure, health, education, happiness, and power, while an immense majority of infants shall be born with a certainty of poverty, work, disease, ignorance, and misery. The State as we know it to-day is "the sovereign organisation" not "for the attainment of political common good," but for the "maintenance of political and social class- and sex-monopolies." What Mr. Burns really meant was that the State is an organisation whose function *ought* to be the attainment of political common good;—but to define something by what it ought to be and isn't must lead to dangerous confusion. We should never put up with a zoologist who defined a snake as an animal which ought to give milk, but unfortunately had not yet developed into a cow or other mammal.

To answer the question, "What is a State?" the simplest method is not to give a slightly ambiguous answer like this "sovereign organisation for the attainment of political common good," but to try to determine the most important qualities and functions of two existing States, namely in Germany and England. This I now propose to do briefly and therefore inadequately. The first important quality of

the State, as State, in each country is that it is an organisation of all the individuals who are citizens residing within the physical boundaries of the country. But it is only in a very limited sense that *all* the citizens can be said to be part of the organisation. One of the functions of the State is the making of laws, and those laws are regulations which are applicable to all persons residing within the physical limits. Thus the organisation does organise all the individual citizens, but only in the sense of controlling and determining some of the relations of all individuals. It is quite untrue that all the citizens of the State either in Germany or England are members of the organisation. The State in this connection should be compared with some other organisation like a trade union. Only a very small number of the inhabitants of Germany and England are members of the State in the sense in which a worker is a member of a trade union. Membership of a trade union implies at least the right to take an active part in the work of the organisation. But in the State many members, *e.g.*, women, have no such right, they are purely passive members in the sense that the organisation determines their freedom of action. No one would say that the employer whose freedom of action is determined by the regulations of a trade union, or the non-unionist who is in effect bound by the actions of a strong union, are members of the organisation. The strong trade union organises the employer and the blackleg in the sense that it makes general rules to which the employer and blackleg sometimes unwillingly, and sometimes willingly submit. Similarly the organisation called a State organises women and many other citizens. But a woman is no more a member of the State in this country than the club waiter who submits to the regulations of the Club is a member of it.

These considerations really dispose of nine-tenths of everything that has ever been written about the General Will and Individualism and Collectivism in so far as existing States are concerned. For those nine-tenths apply not to England and Germany but to Utopia. In England

and Germany the State is simply an organisation the members of which make regulations binding upon all persons living within certain boundaries. And as with so many organisations, so with the State the power even of the members over the organisation is for the greater part nominal. The machinery of the organisation is in the hands of a tiny minority of the members. That machinery is used by the minority not only to perpetuate their control of it, but in order to keep the majority of the members of the organisation in such a state of ignorance, poverty, and physical fatigue that any control by them of the organisation shall be impossible. The manual worker with a vote, for instance, is only nominally a member of the State, as an organisation; he takes and can take no part in determining its form or in making its regulations or laws; its machinery is used simply, so far as he is concerned, to delude him into believing that he is controlling it, and therefore that he is morally bound to obey its regulations. The General Will in Rousseau's sense, or the Will of All in Mr. Bosanquet's sense, have nothing to do with an organisation of this type: they refer only to a type of organisation which may exist perhaps on the other side of the moon.

That these statements are not exaggerations can be seen from the view which the inhabitants of one State take of the nature of a State other than their own. The Englishman is quite ready to accept all or any of the idealised views of Rousseau, Hobbes, Spencer, or Mr. Bosanquet on the nature of a State as applicable in practice to his own State: the German is equally ready to apply them as true of the German State. But ask an Englishman, who in an unguarded moment is talking plain English instead of philosophy, his opinion of the organisation of the German State, or ask a German who is similarly talking plain German his opinion of the English State, and you will find that neither is under any philosophical delusion. The German's vision of his State is extremely romantic and exalted; he sees in it an embodiment of the German

General Will, something therefore for which he may rightly be called upon to sacrifice his possessions, his liberty, his beliefs, his conscience, and his life. We, however, are under no such delusion: we see clearly that the German State is an embodiment not of the General Will but of the General Staff, that it is an admirably designed and efficient organisation for allowing 1 per cent of the German nation to organise and impose their will upon the other 99 per cent, and also for maintaining the *status quo ante* between classes in Germany. And the German sees no less clearly that the State in England is an organisation of a similar but somewhat more inefficient kind.

So far I have been considering only the nature or qualities of the organisation which we call a State. I now propose to consider some of the functions which the existing State actually performs. The most important remains the maintenance of law and order within the State territory. Almost the whole immense overwhelming power of the machinery of the organisation is devoted to this function. The modern State has proved itself a highly efficient organisation for maintaining order in the sense of internal peace. But this fact should not blind us to the real nature of "law and order." In the modern State Law is founded upon the sacredness of private property and the sacredness of private property is founded upon Law. Law, therefore, has as its main effect the preservation of the economic and therefore social *status quo ante* between classes. It is Law which makes it a moral certainty that the infant born in a slum will die in a slum, having himself begotten infants in the slum. It is Law which makes it a moral certainty that the infant who is born a millionaire will die a millionaire and beget an infant who is another millionaire. And the one moral certainty is of course the corollary and complement of the other. Modern Law in the modern State has become in fact an extraordinarily efficient machinery for perpetuating private monopolies of all kinds from generation to generation. The State from this point of view may be defined as the highest political organisation for ensuring by public law the permanence of private monopolies.

A second function of existing States which have reached a certain stage of development is an economic one, *i.e.*, to provide for or regulate the provision of some commodities and services which in the complex, crowded life of cities cannot so conveniently be provided by individual enterprise or smaller organisations. It is noticeable that the economic functions of the State are limited mainly to communications and public health. The taking over by the State of such functions is often either welcomed or regretted as “socialistic,” but it has of course only the very remotest connection with socialism. No modern State has begun to touch the shadow of the hem of the outer garments of socialism; by performing certain economic functions it merely produces in a very small part of the field of industry some of the effects which a socialistic organisation of society would produce there.

A third function of the State is one of great importance. It consists in maintaining relations between the State and other States. Upon this subject Mr. Burns’s book is particularly valuable. He is aware of the great development of this function in the last century, and he rightly insists that political theory has gone hopelessly astray by considering the State always in isolation, as a “sovereign and independent” unit, and not in its relations to other States. A theory of the State which ignores this function is therefore valueless, but I do not propose to say anything more about it here, first because my space is limited, second because the reader who wishes to pursue the question should read Mr. Burns, and thirdly because I have myself dealt with the subject in my book, *International Government*.

Another function which the State, it may be argued, has assumed, and to a very small extent performs, is the ensuring to the individuals resident within its boundaries sufficient food to keep themselves from starving and a minimum of health, education, and discomfort. State Schools, State Insurance, Minimum Wage Acts are directly due to the sporadic adoption by the State of this function. But it is

only in very recent years that even a minority of the inhabitants of civilised countries have come to admit this to be a function of the organisation. Mr. Pease in his History of the Fabian Society quotes the *Spectator*, the mirror of British public opinion, as horrified in 1882 at the "theory that it is the duty of the State to make the poor comfortable" on the ground that to do so would be to begin "to tamper with natural conditions." And in fact the theory that the State is the highest political organisation for making the poor uncomfortable and at the same time for keeping them poor is by no means dead in Britain, and that is one reason why the existing State so efficiently performs that function.

If space allowed, the analysis of the functions performed by existing States could with advantage be carried much further, and certainly such an analysis is a necessary preliminary to an adequate theory of the State. But certain conclusions suggest themselves even from this partial analysis. In the first place it is obvious that the idea of "the State" in the minds both of theorists and ordinary men is something very different from the State as it would appear in this analysis. Neither the German nor the Englishman could possibly have the feelings which each has towards his own State, if he envisaged it as the highest political organisation for keeping the rich rich and the poor poor. The causes of this inconsistency may be found in the illusions of patriotism, and in the illusions of philosophy. We have seen that there has been a strong tendency among philosophers to confuse the State as it is with the State as it ought to be. Now unfortunately even the most difficult and unintelligible speculations of philosophers have a way of filtering down through the ages into the beliefs of the ordinary man. The speculations of Fichte and Hegel upon the nature of the State have indisputably in this way permeated the beliefs of German cavalry-men and Social-Democrats. The philosophical confusion between "is" and "ought to be" reappears in the cavalry regiment and the factory, and the ordinary German instead

of seeing his State as an organisation performing certain functions, suffers from a common hallucination and sees it surrounded by a halo of Hegelian qualities. This naturally has a profound effect upon his feelings towards it.

Secondly the ordinary man's feelings towards the State are affected by a delusion which may conveniently be called anachronism. The nature of States has changed, but the feelings appropriate to one kind of State persist and are transferred to another kind of organisation to which they are no longer appropriate. This is peculiarly clear in the case of the ordinary attitude towards the crime of treason. A rebel to-day is a person who aims at transferring himself and his co-rebels from the organisation of his existing State either to another existing organisation or to a new organisation. This in nearly all civilised countries is still held to be the most heinous of all crimes and is punishable and punished with death. But a very little quiet reflection will show that it is not a crime at all, and nearly everyone therefore sees that it is not a crime when committed against a State which is not his own. Thus the *Times* which considers Mazzini and Garibaldi to have been patriots, is convinced that Sir Roger Casement is a criminal. The German who thinks the Irishman justified in attempting to take himself out of the British State, thinks that the Pole who tries to take himself out of the German State is a criminal, and the Englishman who thinks the Irishman is a criminal sees that the Pole is a hero. This obvious confusion is due to anachronism. Anyone who read the report of the trial of Sir Roger Casement must have realised that he was being tried not for an offence against the existing State, but against the King, and not even against the existing King but against the ghosts of dead and buried Kings. In the old days the State was an organisation which was a personal appendage of a King who derived his authority over the organisation from God. The function of the organisation was simply to provide him with taxes, his nobles with land, and his army with fighting-men. *L'Etat c' est moi*, said the King, and the Law both of the Statute Vol. XXVII.—No. 1.

Book and the Book of God confirmed him. For a man or a body of men to attempt to withdraw themselves from the organisation and their allegiance to the King was an offence therefore not only against the King and his Law, but against God and his Law: and for an offence against the Law of God hanging, drawing, and quartering is the appropriate penalty. But the relations of citizens to their King have changed since the Plantagenets, and no personal and religious bond exists between George V and an Irishman. We have even come in the nineteenth century to see that, at least outside the boundaries of our own State, bodies of men have a right to choose the State organisation to which they will belong. Thus for the Polish people and the Irish people to object to their inclusion within an alien organisation may be in the one case wise and the other case foolish; in neither case or in both cases it is criminal. It appears to be criminal because the master-subject aspect of the State, derived from the confusion between the State and the King, still persists in our law and our traditions, and also because the ruling classes in existing States, who to a considerable extent have usurped the position of the King in the organisation, foster these anachronistic ideas and sentiments in order to consolidate their position.

The sentiments of the members of modern States towards their organisation are thirdly greatly affected by an illusion of modern patriotism. It is an obvious fact that States and Nationalities are not the same thing. But in Europe circumstances have in comparatively recent times combined to bring nationality into extremely close connection with the State. It is only in the last century that either the idea or the desire that the divisions of human beings into Nationalities should coincide with their divisions into States obtained a wide or deep hold upon the human mind. In the East and in Africa it is still possible to see large masses of men with strong national feelings which have no connection or relation to political organisation. But in the countries of Europe the desire that peoples of the same

nationality should have their own political organisation has resulted in a fusion and confusion of the conceptions of the State and of Nationality. This has not only had a profound effect upon national groupings and the evolution of the State; it has also by a natural process resulted in the transference of sentiments appropriate to the nation or the national community to the political organisation, the State. The German State is a political organisation the machinery of which is controlled by a small number of Germans principally for their own and at the expense of other Germans' interests. That is a very different thing from the German nation. If the ordinary German kept the two ideas distinct in his mind, he could not possibly feel the same sentiments towards this organisation which he feels towards the nation. But those in control of the machinery actually foster the idea that the organisation and the nation are indistinguishable, and as a result of this confusion, the sentiments of nationality are now commonly felt not only towards the organisation but even towards the machinery of the organisation. Such a condition of popular feeling is naturally extremely useful and acceptable to those in control of the machinery. What is true of the German is also true of other people. The Englishman does not talk of the State, but he talks and feels about his “country” very much as the German feels about the State. And, as a perusal of the leading articles in the *Times* will show, the “country” is more often than not simply the organisation of the State, or the machinery of the organisation of the State. How far the modern connection between political organisation and nationality is a good thing for the world is a debatable question; but there can be no dispute as to the evil results of this false and confused view of the political organisation which tends to accompany it. The world is now seeing how disastrous those results are in the case of Germany: they are and will be no less disastrous in other countries.

L. S. WOOLF.

RICHMOND, ENGLAND.